

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 VIVIEN HARA HERSH
Deputy Attorney General
3 455 Golden Gate Avenue, Suite 6200
San Francisco, California 94102-3658
4 Telephone: (415) 557-1346

5 Attorneys for Complainant

6
7 BEFORE THE MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
8 STATE OF CALIFORNIA
9

10 In the Matter of the Accusation)	
Against:)	No. D-4267
11)	
PAUL ALLEN WALTERS, JR., M.D.)	
12 830 Tolman Drive)	SURRENDER OF CERTIFICATE
Stanford, California 94305)	OF LICENSURE PURSUANT TO
13 Certificate No. G049975)	STIPULATION AND ORDER
)	<u>THEREON</u>
14 Respondent.)	

15
16 IT IS HEREBY STIPULATED AND AGREED by and between
17 respondent PAUL ALLEN WALTERS, M.D. (hereinafter referred to as
18 "respondent") with the advice of his attorney of record, Kenneth
19 L. Freeman and the Medical Board of California, Division of
20 Medical Quality, State of California (hereinafter referred to as
21 the "Board"), by and through its attorney John K. Van De Kamp,
22 Attorney General, by Vivien Hara Hersh, Deputy Attorney General,
23 as follows:

24 1. Respondent has received and read the Accusation
25 which is presently on file and pending in Case No. D-4267
26 (hereinafter referred to as the "Accusation") before the Board,
27 and he understands the nature of the charges alleged in the

1 Accusation, a true and correct copy of which is attached hereto
2 as "Exhibit A."

3 2. Respondent has been fully advised of his right to a
4 hearing on the charges and allegations contained in said
5 Accusation, his right to reconsideration, to judicial review, to
6 appeal, and to any and all other rights which may be accorded him
7 under the California Administrative Procedure Act and other laws
8 of the State of California, and respondent understands these
9 rights. Respondent further understands that by entering into
10 this stipulation, he voluntarily waives his right to a hearing,
11 to reconsideration, to judicial review, to appeal, and to any and
12 all other rights which may be accorded him by the California
13 Administrative Procedure Act and other laws of the State of
14 California with reference to said Accusation.

15 3. Kenneth J. Wagstaff, complainant in the case, as
16 Executive Director of the Medical Board of California, made and
17 filed the Accusation solely in his official capacity, and
18 respondent's license history and status as set forth at paragraph
19 2 of the Accusation is true and correct.

20 4. Respondent admits the facts alleged in the Third
21 Cause for Disciplinary Action of the Accusation and admits that
22 said facts constitute cause for disciplinary action pursuant to
23 Business and Professions Code section 2305.

24 5. On or about October 17, 1989, respondent resigned
25 in writing his California Physician's and Surgeon's Certificate
26 No. G049975. In settlement of Case No. D-4267, respondent
27 hereby agrees to surrender his certificate of licensure to the

1 Medical Board of California, thereby relinquishing his right to
2 practice medicine in the State of California.

3 6. Respondent expressly agrees to waive the renewal
4 provisions of Business and Professions Code sections 2427 and
5 2428 and expressly agrees that he will not seek reinstatement of
6 his physician's and surgeon's certificate No. G049975 or seek
7 relicensure in the State of California.

8 7. Should respondent at any time after this surrender
9 apply to the Board to have his certificate renewed, restored,
10 reissued, or reinstated, or apply for a new license, in
11 derogation of this agreement, the Board may, in considering
12 whether respondent's right to practice medicine should be
13 restored, investigate and consider the activities of the
14 respondent since the surrender of his certificate; investigate
15 and consider the allegations in the Accusation; and consider his
16 activity during the time his license was in good standing.
17 Respondent specifically waives any legal or equitable defenses he
18 may have to the Board's exercise of these options, and in
19 particular waives the defense of laches.

20 8. Should respondent at any time after this surrender
21 apply to the Board to have his certificate renewed, restored,
22 reissued or reinstated or apply for a new license, in derogation
23 of this agreement, respondent understands that the Board may deny
24 the issuance of a license, issue a probationary license with
25 appropriate terms and conditions, or grant a license.

26 9. In consideration of the above, the Medical Board of
27 California agrees to accept the surrender of respondent's

1 certificate No. G049975 in settlement of case No. D-4267 before
2 the Division of Medical Quality of the Board.

3 DATED: *October 15, 1990*

4 JOHN K. VAN DE KAMP
Attorney General of the
5 State of California

6 *Vivien Hara Hersh*

7 VIVIEN HARA HERSH
Deputy Attorney General

8 Attorneys for Complainant

9
10 DATED: *October 12, 1990*

11 *Kenneth L. Freeman*

12 KENNETH L. FREEMAN
13 Attorney for Respondent

14 I hereby certify that I have read this Surrender of
15 Certificate of Licensure Pursuant to Stipulation in its entirety,
16 that my attorney of record has fully explained the legal
17 significance and consequences thereof, that I fully understand
18 the terms of this stipulation and I voluntarily agree to them,
19 and in witness thereof, I affix my signature this 9th
20 day of October, 1990 at Virginia Beach, VA.

21 _____
22
23 *Paul Allen Walters, Jr., M.D.*
24 PAUL ALLEN WALTERS, JR., M.D.
25 Respondent
26
27

EXHIBIT A

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 VIVIEN HARA HERSH
Deputy Attorney General
3 455 Golden Gate Avenue, Room 6200
San Francisco, California 94102
4 Telephone: (415) 557-1346

5 Attorneys for Complainant

6
7 BEFORE THE MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
8 STATE OF CALIFORNIA
9

10 In the Matter of the Accusation)	
Against:)	No. D-4267
11)	
12 PAUL ALLEN WALTERS, JR., M.D.)	<u>ACCUSATION</u>
830 Tolman Drive)	
Stanford, California 94305)	
13 Certificate No. G49975)	
14)	
Respondent.)	

15
16 Complainant, Kenneth J. Wagstaff, charges and alleges
17 as follows:

18 1. He is the Executive Director of the Medical Board
19 of California (hereinafter "the Board") and makes these charges
20 and allegations solely in his official capacity.

21 2. On or about May 23, 1983, the Board issued to
22 respondent Paul Allen Walters, Jr., M.D. (hereinafter
23 "respondent") physician and surgeon certificate number G49975.
24 Said certificate is paid and current at the present time with an
25 expiration date of February 28, 1991. No prior disciplinary
26 action has been taken against this certificate.

27 //

1 3. The conduct of respondent as alleged in the first
2 and second causes for disciplinary action, below, occurred in the
3 years 1972 through 1981 while he was practicing as a psychiatrist
4 at University Health Service at Harvard University in the State
5 of Massachusetts. Respondent held a license to practice medicine
6 from the Board of Registration in Medicine of the State of
7 Massachusetts, under License No. 24615, from June 1956 until
8 1987, when respondent did not renew his Massachusetts license.

9 4. Business and Professions Code sections 2220 and
10 2227 provide that the Division of Medical Quality of the Board
11 (hereinafter "the Division") may take specified disciplinary
12 action against physician and surgeon certificate holders who have
13 been found guilty of violating any provisions of the Medical
14 Practice Act (Business and Professions Code section 2000 ff.).

15 5. Business and Professions Code section 2234
16 (formerly section 2361) requires the Division to take action
17 against any licensee who is charged with unprofessional conduct.
18 Unprofessional conduct is defined therein to include, but not to
19 be limited to, (b) gross negligence.

20 6. Business and Professions Code section 726 (formerly
21 section 730) provides that the commission of any act of sexual
22 abuse, misconduct, or relations with a patient, client, or
23 customer which is substantially related to the qualifications,
24 functions and duties of the occupation for which a license was
25 issued constitutes unprofessional conduct and grounds for
26 disciplinary action for a physician and surgeon.

27 //

1 7. Business and Professions Code section 2305 provides
2 that the revocation, suspension, or other discipline by another
3 state of a license or certificate to practice medicine issued by
4 the state to a licensee under the Medical Practice Act shall
5 constitute grounds for disciplinary action for unprofessional
6 conduct against such licensee in this state.

7 FIRST CAUSE FOR DISCIPLINARY ACTION

8 8. In or about 1969, respondent undertook to care for
9 and treat patient J.H., a female adult. Ms. H. had a history of
10 childhood sexual abuse and parental neglect. Ms. H. remained in
11 private psychotherapy with respondent until 1983, when respondent
12 left Massachusetts to practice at Cowell Student Health Center at
13 Stanford University in Stanford, California.

14 9. In or about the summer of 1972, respondent had J.H.
15 sit on his lap and touch his penis. Between the summer of 1972
16 and the summer of 1981, respondent had J.H. perform fellatio on
17 him on numerous occasions, as often as two out of three therapy
18 sessions per week. On one occasion, respondent performed oral
19 sex on J.H. All of this conduct occurred in respondent's office
20 during regularly scheduled therapy sessions.

21 10. As a result of respondent's conduct, J.H. was
22 unable to develop relationships with other men and became
23 mistrustful of men in general. J.H.'s progress in subsequent
24 therapy was substantially hindered as a result of respondent's
25 conduct.

26 11. Respondent's conduct, as set forth in paragraphs 8,
27 9, and 10, above constitutes gross negligence in the practice of

1 medicine and unprofessional conduct with a patient, and therefore
2 cause exists for disciplinary action pursuant to Business and
3 Professions Code sections 2234 and 2234(b)(formerly sections 2361
4 and 23161(b)).

5 SECOND CAUSE FOR DISCIPLINARY ACTION

6 12. The allegations of paragraphs 8, 9, and 10, above
7 are incorporated herein by reference.

8 13. Respondent's conduct as set forth above constitutes
9 sexual misconduct and/or relations with a patient and therefore
10 cause exists for disciplinary action pursuant to Business and
11 Professions Code section 726 (formerly section 730), particularly
12 with reference to conduct occurring from 1979 through 1981.

13 THIRD CAUSE FOR DISCIPLINARY ACTION

14 14. On or about May 17, 1989, the Board of Registration
15 in Medicine of the Commonwealth of Massachusetts filed a
16 Statement of Allegations against respondent in their Adjudicatory
17 Case No. 89-24-SU, substantially based upon the factual
18 allegations set forth in paragraphs 8, 9, and 10, above. A true
19 and correct copy of said Statement of Allegations is appended
20 hereto as Exhibit A.

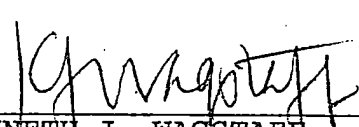
21 15. On or about October 17, 1989, respondent submitted
22 a Resignation Pending Discipline in said Adjudicatory Case No.
23 89-24-SU resigning all licensing privileges in Massachusetts and
24 stating that he would resign licenses to practice medicine in
25 other states contemporaneously with the resignation. On or about
26 October 20, 1989, the Board of Registration in Medicine of the
27 Commonwealth of Massachusetts adopted the resignation as its

1 Final Order in Case No. 89-24-SU. A true and correct copy of
2 this Final Order is attached hereto as Exhibit B.

3 16. The facts set forth paragraphs 14 and 15 establish
4 that cause for disciplinary action against respondent's
5 California physician and surgeon's license exists under Business
6 and Professions Code section 2305.

7 WHEREFORE, complainant prays that the Board hold a
8 hearing on the charges and allegations herein and thereafter
9 issue an order revoking or suspending Certificate No. G49975,
10 heretofore issued to respondent Paul Allen Walters, Jr., and
11 taking such other and further action as is deemed necessary and
12 proper.

13
14 DATED: June 4, 1990

15
16 
17 KENNETH J. WAGSTAFF
18 Executive Director
19 Medical Board of California
20 State of California

21
22
23
24
25
26
27 Complainant

EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY CASE NO.
89-24-SU

In the Matter of)
Paul A. Walters, M.D.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine ("the Board") has reason to believe that Paul A. Walters, M.D. ("the Respondent") has engaged in conduct which calls into question his ability to practice medicine by engaging in sexual misconduct with a patient between 1972 and 1981.

FACTS RELATING TO PAUL A. WALTERS, M.D.

1. Paul A. Walters, M.D. was born on [REDACTED], [REDACTED]. His last known home address is 830 Tolman Drive, Stanford, California 94305. His last known professional address is Cowell Student Health Services, 606 Campus Drive, Stanford, California 94305. The Respondent is a 1951 graduate of Duke University School of Medicine. The Respondent's principal area of specialty is psychiatry. He was licensed to practice medicine in the Commonwealth of Massachusetts under Board Number 24615 from June, 1956 until 1987, when he did not renew his Massachusetts license.

2. Between 1969 and 1983, Patient A was a private psychiatric patient of the Respondent's.

3. Between 1972 and 1979, Patient A was undergoing psychoanalysis with the Respondent three to five times a week.

4. On or about the summer 1972, the Respondent had Patient A sit on his lap and touch his penis.

5. Between the summer of 1972 and the summer of 1981, Patient A performed fellatio on the Respondent on numerous occasions, sometimes as often as two out of three analysis sessions per week.

6. On one occasion, the Respondent performed oral sex on Patient A.

7. All of the sexual contact occurred in the Respondent's medical office.

8. On or about September, 1982, the Respondent informed Patient A that he would be leaving the Commonwealth in June, 1983.

9. On or about June, 1983, the Respondent terminated with Patient A and failed to review with Patient A her progress during therapy or prepare her for the emotional impact of termination.

10. On or about June, 1983, when the Respondent was terminating with Patient A, she asked him for a referral to another psychiatrist, because her mother was in the terminal stages of cancer.

11. The Respondent declined to refer Patient A to another therapist and told her she would have to endure this difficult time in her life.

12. As a result of the Respondent's treatment of her, Patient A was unable to develop relationships with other men for a large part of her adult life and became mistrustful of others in general and men in particular.

13. As a result of the Respondent's treatment of Patient A, her progress in subsequent therapy was hindered.

LEGAL BASIS FOR PROPOSED RELIEF

Pursuant to G.L. c. 112, sec. 5(C) and 243 CMR 1.03(5)(a)(3), the Board has jurisdiction to discipline a physician for conduct which calls into question his ability to practice medicine, including, but not limited to gross misconduct in the practice of medicine, or practicing medicine beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions.

Pursuant to 243 CMR 1.03(5)(a)(18), the Board has jurisdiction to discipline a physician for misconduct in the practice of medicine.

Pursuant to G.L. c. 112, sec. 61, the Board has jurisdiction to discipline a physician for malpractice.

Under the provisions of Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982) and Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979), the Board may discipline a physician for conduct which

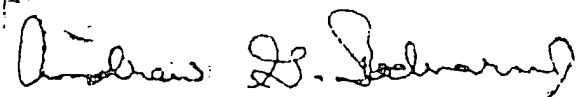
undermines confidence in the integrity of the medical profession or for conduct which shows lack of good moral character.

NATURE OF THE RELIEF SOUGHT

The Board is authorized and empowered to order appropriate disciplinary measures which may include revocation or suspension of the Respondent's license or one or more of the following: reprimand, censure, fine, the performance of uncompensated community service, a course of education and training, or other limitations upon the Respondent's practice of medicine.

ORDER

Wherefore, the Board orders the Respondent to show cause why he should not be disciplined for the above described conduct.



Andrew G. Bodnar, M.D., J.D.
Chairman

May 17, 1989
Date

EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

Suffolk, ss.

Adjudicatory Case
No. 89-25-SU

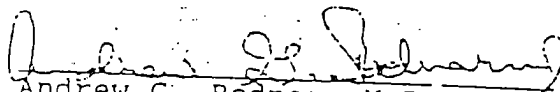
In the Matter of)
PAUL A. WALTERS, M.D.)

FINAL ORDER

On the date referenced below, at a duly convened meeting of the Board of Registration in Medicine ("Board"), the Board considered the statement of the above-named Respondent setting forth the terms of his resignation, a copy of which is attached and marked Exhibit "A", which was submitted pursuant to 243 CMR 1.05(5)(a) during the pendency of the above-captioned disciplinary action.

Having determined that the Respondent's resignation is in conformity with 243 CMR 1.05(5)(a), the Board voted to accept his resignation.

Date: (Date) 12/1/95


Andrew G. Bodnar, M.D., J.D.
Chairman

cc: Peggy Holland, Esq.
Board of Registration in Medicine
10 West St.
Boston, Ma. 02111

David J. Apfel, Esq.
Goodwin, Procter & Hoar
Exchange Place
Boston, Ma. 02109-2881

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

Suffolk; ss.

Adjudicatory Case/
No. 89-25-56

In the Matter of)
)
Paul A. Walters, M.D.)

RESIGNATION PENDING
DISCIPLINE,
243 CMR 1.05 (5) (a)

Paul A. Walters, M.D., being duly sworn, deposes and
says:

1. I desire to resign my licensure to practice
medicine in the Commonwealth of Massachusetts, in accordance with
243 CMR 1.05 (5) (a).

2. My resignation is tendered voluntarily.

3. I realize that this resignation is a final act
which deprives me of all privileges of registration and is not
subject to reconsideration or judicial review.

4. I am not currently licensed to practice in any
other state or jurisdiction, or I will resign any other licenses
contemporaneously with this resignation. I will make no attempt
to gain licensure elsewhere.

Signed under the pains and penalties of perjury, this
7 day of Oct, 1987

Paul A. Walters, M.D.
Paul A. Walters, M.D.

Notary:

*Subscribed and sworn to
before me on 10/7/87
by JF Co. 67*
[Signature]
[Signature]

